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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,838	08/30/2000	Christer Fahraeus	62994	4391

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EXAMINER

NGUYEN, CHANH DUY

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/652,838

Applicant(s)

FAHRAEUS ET AL

Examiner

Chanh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-20,22-24,27-39,43,45,47,49-51 and 53-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-20,22-24,27-39,43,45,47,49-51 and 53-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/15/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment filed on November 15, 2004 has been entered and considered by examiner.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 4-20, 22-24, 27-39, 43, 45 and 47, 49-51 and 53-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lazzouni et al (U.S. Patent No. 5,652,412) in view of Hecht et al (U.S. Patent No. 6,327,395) and further in view of Dymetman et al (U.S. 6,752,317 B2).

As to claim 43, Lazzouni discloses a system for information management including a sensing wand (10) adapted to record information electronically from position information obtained from position codes on a writing region (i.e. encoded paper 14) (see column 4, lines 51-65, column 6, lines 35-60 and column 16-21), a sensed product (any media including hard copy such as paper) supplying the position information to the sensing wand (10) and being provided with a writing region and identified by at least one position code unique thereto (see column 6, lines 35-65). Lazzouni does not mention at with at least one activation icon. In same field of endeavor (using encoded

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paper), Hecht teaches at least one activation icon (e.g., icon David's DOC2) indicating a predetermined operation using glyph address carpet (or position code) marked on a product (e.g., paper) (see column 10, line 66 through column 11, line 7 and column 11, line 57 through column 12, line 41). Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have added a user interface icon as taught by Hecht to the encoded paper of Lazzouni because human interpretable textual, graphical or mix textual and graphical representations of files can be accessible via the user interface icon (see column 4, lines 6-15 of Hecht).

Both Lazzouni and Hecht use a microprocessor outside the sensing wand for interpreting of an activation icon and interpreting of the position code. Dymetman teaches a processing device (602) and net work computer (610) both are within pointer or sensing wand (502) for interpreting of an activation icon and interpreting of the position code (i.e. decoding the page identifier , the page id code); see column 11, lines 28-44 and column 15,lines 21-34,column 16,lines 17-52. Therefore, it would have been obvious to one of ordinary skill in the art at the invention was made to have used the processing circuits inside the sensing wand as taught by Dymetman to the sensing wand of Lazzouni as modified by Hecht because the processing circuitry in the a pointer or sensing wand can recover the action/medium identifier from any position on the page, thereby increasing interactivity (see column 5,lines 18-25 of Dymetman).

As to claim 45, this claim differs from claim 43 in that claim 43 is apparatus whereas claim 45 is method. Thus, method claim 45 is analyzed as previously discussed with respect to apparatus claim 43 above.

As to claim 1, this claim differs from claim 45 only in that the limitation "coded by at least one unique position code representing the activation icon and different from codes contained in the writing position coded" is additionally recited. Lazzouni teaches the use of writing position codes including different patterns such as dots. (see Figures 4-5) while Hecht teaches activation icon codes using slash-like marks . Thus, combining dot like writing position codes of Lazzouni and slash-like marks activation icon codes of Hecht would meet the claimed "different" as recited in the claim because slash mark codes is different from dot mark codes.

As to claim 20, this claim differs from claim 1 in that the limitations "pen" and "a reader mounted for movement with the pen for reading said position code provided on the writing surface" are additionally recited. Lazzouni clearly teaches pen (10) and reader (70).

As to claim 39, this claim differs from claim 45 only in that the limitation "a first subset" and "a second subset" is additionally recited. Lazzouni teaches using pen for writing information on the paper while Hecht teaches using pen for activating icon displayed on the paper. Thus, combining Lazzouni and Hecht would meet the claimed "first subset and second subset" as recited in the claim because icon of Hecht reads on second subset of position codes.

As to claim 47, this claim differs from claim 20 on the in that claim 47 is method whereas claim 20 is apparatus. Thus, method claim 47 is analyzed as previously discussed with respect to apparatus claim 20 above.

As to claim 51, this claim differs from claim 20 in that the limitation "first processor" and "second processor" is additionally recited. Lazzouni teaches using one processor for performing processing handwritten information on the paper while Hecht teaches using another processing for performing processing activating icon displayed on the paper. Thus, combining Lazzouni and Hecht would meet the claimed "first processor and second processor" as recited in the claim.

As to claim 3, this claim is met by both Lazzouni and Hecht. For example, Figure 18 of Hetch shows the position code (glyph) extending continuously over the writing surface.

As to claim 9, Hecht clearly teaches a plurality of activation icons (e.g., John'sdoc2, David'sdoc1).

As to claims 10-11, Hecht teaches camera (2716) being optical detector for detecting the activation icon (e.g., John'sdoc2) and the position code (glyph)

As to claim 12, this claim is met by Hecht. For example, icon John'sdoc2 stores the recorded information at a predetermined location.

As to claim 13, Hecht clearly teaches the position code including a plurality of symbols (forward slash and backward slash) each symbol (e.g., forward slash) contributing to the coding of more than one position.

As to claim 14, Hecht teaches position code including a raster and a plurality of symbols as recited in the claim.

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As to claims 15-19, since Hecht teaches that the position code (glyphs) can be formed on the paper. Thus, it is clear that number of identical papers can be formed a note pad.

As to dependent claims 22-24, 28-30 and 38, these claims are analyzed as previously discussed with respect to claims 1-3, 9-14, and met by Hecht.

As to dependent claims 4-8, 15-19, 27, 31-37, 49-50 and 53-71, these claims are met by either Hecht or Lazzouni, Dymetman and combination of Hecht, Lazzouni and Dymetman. For example, Hecht clearly teaches at least one activation icon as recited in claim 5. Lazzouni teaches a second set including character recognition area as recited in the claim 6-7. Hetch clearly teaches each position code including a plurality of symbols and each symbol contributing to the coding of more than one position as recited in claims 60, 62, 64, 66, 68 and 70. Hecht also teaches X and y coordinates pairs A for identifying the spatial location of the glyphs. The intersection x and y coordinates in Hetch reads on a raster as recited in claims 61, 63, 65, 67, 69 and 71.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 3-20, 22-24, 27-39, 43, 45, 47, 49-51 and 53-59 have been considered but are moot in view of the new ground(s) of rejection.

In view of amendment, the reference of Dymetman has been added for new ground rejection.


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Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanh Nguyen whose telephone number is (703) 308-6603. The examiner can normally be reached on Monday- Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Saras can be reached on (703) 305-9720. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Chanh Nguyen
Primary Examiner
Art Unit 2675


C. Nguyen
February 6, 2005